

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CYNTHIA SMALLEY, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED;**

Plaintiff,

v.

**UNION PACIFIC RAILROAD
COMPANY,**

Defendant.

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CIVIL ACTION NO. 6:18-CV-00180-RWS

ORDER

Before the Court is Defendant Union Pacific Railroad Company's Motion to Dismiss (Doc. No. 9). On June 27, 2018, Plaintiff filed an amended complaint (Doc. No. 10). As the amended complaint is now the live complaint in this matter, Defendant's Motion (Doc. No. 9) is **DENIED** as moot. Defendant shall timely respond to Plaintiff's amended complaint with any re-urged motion to dismiss directed at the allegations contained therein.

So ORDERED and SIGNED this 29th day of June, 2018.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE